Notice of Allowability    Application No.   Application No.   10/027,976   MILLER ET AL Exeminer   Art Unit   Hugh Jones   2128	h			
Notice of Allowability  Examiner Hugh Jones  2128  The MAILING DATE of this communication appears on the cover sheet with the correspondence address— All claims being allowable, PROSECUTION ON THE MERTS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon pellion by the applicant. See 37 CFR 1.313 and IMPEP 1308.  1. ② This communication is responsive to 52/2005  2. ② The allowed claim(s) is/are 1 and 4-9  3. ② The drawings filed on 12/21/2001 are accepted by the Examiner.  4. □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All		Application No.	Applicant(s)	
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously malerid, a Notice of Allowance (PTOL-89) or other appropriate communication with be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon pellition by the applicant. See 3 TOFR 3.33 and MEEP 1308.  1. ☑ This communication is responsive to \$292,005.  2. ☑ The allowed claim(s) Is/are 1 and 4-9.  3. ☑ The allowed claim(s) Is/are 1 and 4-9.  3. ☑ The drawings filed on 1221/2001 are accepted by the Examiner.  4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some* o) ☐ None. of the:  1. ☐ Certified copies of the priority documents have been received in Application No. ☐  3. ☐ Ceptified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  4. ☐ Certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  5. ☐ Certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  6. ☐ CERTIFIED CONTROLLED TO THE THE MAILING DATE of this communication to file a reply complying with the requirements noted below. Failure to timely-comply will result in ASANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.  5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. Note the attached	Notice of Allowability	10/027,876	MILLER ET AL.	
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously malled), a Notice of Allowance (PTOL-86) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RICHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.  1. ☑ This communication is responsive to 5/20/2005.  2. ☑ The allowed claim(s) is/are 1 end 4-9.  3. ☑ The drawings filled on 12/21/2001 are accepted by the Examiner.  4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No.  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  4. Certified copies not received.  Applicant has 'THREE MONTHER FROM THE 'MAILING DATE' of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.  5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.  6. ☐ CORRECTED DRAWINGS (as 'replacement sheets') must be submitted.  (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached Examiner's Comment of Paper No./Mail Date		Examiner	Art Unit	
All claims being allowable, PROSECUTION ON THE MERTS is (OR REMAINS) CLOSED in this application. If not included herewith (or previously maided, is notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.  1. ☑ This communication is responsive to 5/9/2/005.  2. ☑ The allowed claim(s) is/are 1 and 4-9.  3. ☑ The drawings filed on 12/21/2/001 are accepted by the Examiner.  4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3. ☐ All b) ☐ Some* c) ☐ None. of the:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  **Certified copies not received.**  Applicant has THREE MONTHS FROM THE "MALLING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABADONMENT of this application.  **HIST THREE MONTHS FROM THE "MALLING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABADONMENT of this application.  **HIST THREE MONTHS FROM THE "MALLING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABADONMENT of this application.  **HIST THREE MONTHS FROM THE "MALLING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABADONMENT of this application.  **HIST THREE MONTHS FROM THE "MALLING DATE" of this communication to file a reply complying with the requirements noted b		Hugh Jones	2128	
2. ☑ The allowed claim(s) is/are 1 and 4-9.  3. ☑ The drawings filed on 1221/2001 are accepted by the Examiner.  4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some* c) ☐ None. of the:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in His national stage application.from the International Bureau (PCT Rule 17.2(a)).  **Certified copies on treceived:  Applicant has THREE MONTHS FROM THE **MAILING DATE* of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  **THIS THREE-MONTH PERIOD Is NOT EXTENDABLE**  5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTC-152) which gives reason(s) why the oath or declaration is deficient.  (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached 1) ☐ hereto or 2) ☐ to Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date (b) ☐ Industrying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement shee(s) should be labeled as such in the header according to 37 CFR 1.121(d).  7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding Requirement for Deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's Comment Regarding Requirement for Deposit of Bio	All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI	(OR REMAINS) CLOSED or other appropriate comm GHTS. This application is	in this application. If not included nunication will be mailed in due cou	ırse. <b>THIS</b>
3. ☑ The drawings filed on 1221/2001 are accepted by the Examiner. 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some* c) ☐ None. of the: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in Application No 4. ☐ Certified copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  **Certified copies not received:  **Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE** 5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.  4. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  1) ☐ hereto or 2) ☐ to Paper No./Mail Date  (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date  (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date  (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date  (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date  (c) ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner'	1. This communication is responsive to <u>5/9/2005</u> .			
4.	2. A The allowed claim(s) is/are 1 and 4-9.	V		
a) All b) Some* c) None. of the:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  **Certified copies not received:  Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**  5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.  6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  (a) Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  1) Paper No./Mail Date  Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).  **Attachment(s)**  1. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.  **Attachment(s)**  1. Notice of Informal Patent Application (PTO-152)  2. Notice of Draftperson's Patent Drawing Review (PTO-948)  3. Information Disclosure Statements (PTO-1449 or PTO/SE/08), Paper No./Mail Date  4. Examiner's Comment Regarding Requirement for Deposit of Biological Material	3. $\square$ The drawings filed on $\underline{12/21/2001}$ are accepted by the Example 1.	miner.		
INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.  6.	a) All b) Some* c) None of the:  1. Certified copies of the priority documents have 2. Certified copies of the priority documents have 3. Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)).  * Certified copies not received:  Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	been received. been received in Applicate cuments have been received of this communication to file.	ion No  ed in this national stage application  le a reply complying with the require	ements
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  1) ☐ hereto or 2) ☐ to Paper No./Mail Date  (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date  Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).  7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.  Attachment(s)  1. ☐ Notice of References Cited (PTO-892)  2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date  4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material  9. ☐ Other				ICE OF
Attachment(s)  1. Notice of References Cited (PTO-892)  2. Notice of Draftperson's Patent Drawing Review (PTO-948)  3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date	(a) ☐ including changes required by the Notice of Draftspers  1) ☐ hereto or 2) ☐ to Paper No./Mail Date  (b) ☐ including changes required by the attached Examiner's Paper No./Mail Date  Identifying indicia such as the application number (see 37 CFR 1. each sheet. Replacement sheet(s) should be labeled as such in the Topic DEPOSIT OF and/or INFORMATION about the deposition of the position of the p	on's Patent Drawing Reviews  S Amendment / Comment on the header according to 37 Countries of BIOLOGICAL MATERIES.	or in the Office action of the drawings in the front (not the bac FR 1.121(d). TERIAL must be submitted. Note	
1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 5. ☐ Notice of Informal Patent Application (PTO-152) 6. ☐ Interview Summary (PTO-413), Paper No./Mail Date 7. ☐ Examiner's Amendment/Comment 8. ☑ Examiner's Statement of Reasons for Allowance 9. ☐ Other	attached Examiner's comment regarding REQUIREMENT	FOR THE DEPOSIT OF B	OLOGICAL MATERIAL.	·
<ul> <li>2. □ Notice of Draftperson's Patent Drawing Review (PTO-948)</li> <li>3. □ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date</li></ul>		E [] Nieties -41	nformal Datant Application (DTO 4)	F0)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material  Paper No./Mail Date 7. ☐ Examiner's Amendment/Comment 8. ☑ Examiner's Statement of Reasons for Allowance 9. ☐ Other				JZ)
Paper No./Mail Date 4. □ Examiner's Comment Regarding Requirement for Deposit of Biological Material  8. □ Examiner's Statement of Reasons for Allowance 9. □ Other	_	Paper No	./Mail Date	
of Biological Material  9. Other	Paper No./Mail Date			
WOOD ONE STRINGER				nce
U.S. Patent and Impremark Office	U.S. Patent and Trademark Office	Onici	AND THE SALES OF T	ier 4 <del>9</del> 0

U.S. Patent and Trademark Offic PTOL-37 (Rev. 1-04)

Notice of Allowability

PRINCHIN Part of Paper No./Mail Date 05262005

Art Unit: 2128

## **DETAILED ACTION**

1. Claims 1-9 of U. S. Application 10/027,876, filed 12/21/2001, which is a continuation of 09/573,042 (ABN), and a continuation of 09/274,742 (ABN) are presented for examination. Claims 2-3 have been cancelled. Claims 1, 4-9 have been amended. Claims 1, 4-9 are allowed over the prior art of record. Applicants are thanked for their amendment and their comprehensive reply.

# Allowable Subject Matter

- 2. Claims 1, 4-9 are allowed over the prior art of record.
- 3. The following is an examiner's statement of reasons for allowance: The teachings of the prior art were discussed in the last official office action.
  However, the prior art of record does not disclose or suggest the specifics of the prioritized ranking as recited in the claims.
- 4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be:

#### directed to:

Dr. Hugh Jones telephone number (571) 272-3781, Monday-Thursday 0830 to 0700 ET,

or

Art Unit: 2128

the examiner's supervisor, Jean Homere, telephone number (571) 272-3780.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

## mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

## or faxed to:

(703) 308-9051 (for formal communications intended for entry) or

(703) 308-1396 (for informal or draft communications, please label *PROPOSED* or *DRAFT*).

Dr. Hugh Jones

Primary Patent Examiner

May 27, 2005

PRIMAR TOTAL STATE OF THE PRIMARY OF